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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)	
)	
Plaintiff,)	
)	
versus)	
	)	Case No. A02-0290 CV (JKS)
LEISNOI, INC., KONIAG, INC., and)	
DIRK KEMPTHORNE, Secretary of the	)	LEISNOI, INC.'S
INTERIOR,	)	RULE 12(b)(1) MOTION
	)	TO DISMISS RE: NO
Defendants.	)	JURISDICTION UNDER
	)	ADMINISTRATIVE PROCEDURES
	)	ACT; STATUTE OF LIMITATIONS HAS
	)	LAPSED TO CHALLENGE THE 1974
	)	VILLAGE ELIGIBILITY DECISION;
	)	AND WHETHER CONGRESS RATIFIED
	)	WOODY ISLAND'S ELIGIBILITY IS
	)	A MOOT ISSUE

COMES NOW, LEISNOI, INC., through counsel, MORRISON MAHONEY LLP, and hereby moves to dismiss Omar Stratman's third amended complaint for lack of federal subject matter jurisdiction on the grounds that (1) the Administrative Procedures Act does not supply federal jurisdiction; (2) the statute of limitations has lapsed to challenge the 1974 village eligibility determination; and (3) whether Congress ratified Woody Island's eligibility in 1980 through enactment of ANILCA is a moot issue.

DATED this 22nd day of February, 2007.

RESPECTFULLY SUBMITTED,

/s/ John Richard Fitzgerald

Alaska Bar No. 8711084

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Attorneys for Leisnoi, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2007, a copy of the foregoing was served electronically upon Collin Middleton, Esq., Bruce Landon, Esq., and Michael Schneider, Esq.

/s/ John R. Fitzgerald

Stratman v. Leisnoi, Inc.

Case No. A02-0290 CV (JKS)

Rule 12(b)(1) Motion to Dismiss re: No jurisdiction under APA;

Statute of Limitations has Lapsed to Challenge 1974 Certification; and

Whether Congress Ratified Woody Island's Eligibility in 1980 through ANILCA is a Moot Issue

Page 2